

ESTTA Tracking number: **ESTTA44279**

Filing date: **09/06/2005**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

### Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

#### Opposer Information

<b>Name</b>	Vanity Fair, Inc.
<b>Granted to Date of previous extension</b>	09/07/2005
<b>Address</b>	3411 Silverside Road201 Baynard Building Wilmington, DE 19810 UNITED STATES

<b>Attorney information</b>	Nancy H. Lutz Collier Shannon Scott, PLLC 3050 K Street, NWSuite 400 Washington, DC 20007 UNITED STATES nlutz@colliershannon.com Phone:202-342-8851
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#### Applicant Information

<b>Application No</b>	76597695	<b>Publication date</b>	05/10/2005
<b>Opposition Filing Date</b>	09/06/2005	<b>Opposition Period Ends</b>	09/07/2005
<b>Applicant</b>	SHANGHAI SILK GROUP CO., LTD. NO.1500, SHIJIDADAO PUDONG NEW AREA SHANGHAI,		

	CHINA
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### **Goods/Services Affected by Opposition**

<p>Class 025. First Use: 19650321First Use In Commerce: 20030110</p> <p>All goods and sevicees in the class are opposed, namely: Clothing, namely Shirts, Suits, Trousers, Knit shirts, Skirts, Overcoats, Jackets, Tee-shirts, Leather jackets, Leather coats, Coats, Pajamas, Polo shirt, Sport coats, Sport shirts, Suit coats, Athletic uniforms, Jeans, Jerseys [clothing]; Shoes; Socks; Neckties</p>
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<b>Attachments</b>	SFX39B.pdf ( 4 pages )
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<b>Signature</b>	/nancy h lutz/
<b>Name</b>	Nancy H. Lutz
<b>Date</b>	09/06/2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 76/597,695  
Published in the *Official Gazette* on May 10, 2005

VANITY FAIR, INC.,

Opposer,

v.

SHANGHAI SILK GROUP CO., LTD.,

Applicant.

Opposition No. \_\_\_\_\_

Attorney Docket No. 67990-62588

**NOTICE OF OPPOSITION**

VANITY FAIR, INC. ("Opposer"), a Delaware corporation, with an office located at 3411 Silverside Road, Wilmington, Delaware 19810, believes that it will be damaged by registration of the designation LILY (Stylized) shown in Application Serial No. 76/597,695 for "clothing, namely shirts, suits, trousers, knit shirts, skirts, overcoats, jackets, tee-shirts, leather jackets, leather coats, coats, pajamas, polo shirt [sic], sport coats, sport shirts, suit coats, athletic uniforms, jeans, jerseys [clothing]; shoes; socks; neckties" and hereby opposes same.

As grounds for opposition, it is alleged that:

1. Opposer, by itself and through its predecessors, licensees, and related companies, is now and has been for many years, engaged in the business of manufacturing, marketing and selling clothing, including intimate apparel and sleepwear.
2. Since at least as early as October 22, 1897 (Eighteen hundred ninety seven), and long prior to the date of filing of Applicant's application, June 16, 2004, or use date of the designation LILY (Stylized) by Applicant, January 10, 2003, Opposer and its

predecessors, licensees, and related companies adopted and have continuously used the mark LILY OF FRANCE (“Opposer’s LILY OF FRANCE Mark”) in various styles as a trademark for clothing, including intimate apparel and sleepwear, including as:

LILY OF FRANCE

and currently as:

LILY OF FRANCE®

3. Since its adoption, Opposer’s LILY OF FRANCE Mark has been conspicuously applied to Opposer’s products. Said products so marked, promoted and advertised have been widely shipped, distributed and sold in interstate commerce throughout the United States. By virtue of the widespread sales, advertising and promotion of Opposer’s goods under the LILY OF FRANCE mark and the excellence of the goods themselves, Opposer’s LILY OF FRANCE Mark is recognized and relied upon as identifying Opposer’s goods and as distinguishing them from the goods of others, and has come to represent and symbolize an extremely valuable goodwill and business belonging exclusively to Opposer.

4. Opposer’s LILY OF FRANCE Mark has long been registered in the United States Patent and Trademark Office (“PTO”) as LILY OF FRANCE, Reg. No. 2,512,651, since November 27, 2001 as a trademark for numerous clothing items. Said registration is subsisting, unrevoked and uncanceled, and Opposer owns it and the mark shown therein and the goodwill connected therewith.

5. By the application herein opposed, Applicant seeks to register the designation LILY (Stylized) for “clothing, namely shirts, suits, trousers, knit shirts, skirts, overcoats, jackets, tee-shirts, leather jackets, leather coats, coats, pajamas, polo shirt [sic], sport

coats, sport shirts, suit coats, athletic uniforms, jeans, jerseys [clothing]; shoes; socks; neckties”  
as shown below:



6. Applicant's designation LILY (Stylized) so nearly resembles and is virtually identical to Opposer's LILY OF FRANCE Mark and is for virtually identical goods that it is likely, when applied to the goods of Applicant, to cause confusion, mistake or deception as to the source, origin or sponsorship of Applicant's goods, with consequent injury to Opposer, the trade and the public.

7. Opposer will be damaged by the registration sought by Applicant because it will support and assist Applicant in the confusing and misleading use of the designation sought to be registered, and will give color of exclusive statutory rights in Applicant in violation and derogation of the prior and superior rights of Opposer.

8. On June 16, 2004, Applicant submitted its application with a sworn Declaration to the PTO stating that "Applicant is using the mark in commerce on or in connection with the above-identified goods/services. (15 U.S.C. 1051(a))" and "Date of first use of the mark in commerce which the U.S. Congress may regulate: at least as early as on January 10, 2003 in the United States". The goods are identified as "Clothing, namely Shirts, Suits, Trousers, Knit shirts, Skirts, Overcoats, Jackets, Tee-shirts, Leather jackets, Leather coats, Coats, Pajamas, Polo shirt [sic], Sport coats, Sport shirts, Suit coats, Athletic uniforms, Jeans, Jerseys [clothing]; Shoes; Socks; Neckties".

9. Further, and/or alternatively, on information and belief, Applicant is not using, and has never used in commerce, the designation LILY (Stylized) on or in connection

with at least some or all of the goods identified in paragraph 8. Therefore, on information and belief, when Applicant filed its application indicating that it first used the designation LILY (Stylized) in commerce as of January 10, 2003, such information was false.

10. On information and belief, Applicant misrepresented the nature of its use in commerce of the designation LILY (Stylized) at the time it filed its application and continued to prosecute the trademark application.

11. On information and belief, Applicant made the declaration with the knowledge that the statement was false.

12. On information and belief, the false declaration was made with the intent to induce authorized agents of the PTO to approve Applicant's application and grant Applicant a registration, and reasonably relying on the truth of the statement, the PTO did, in fact, approve the application for publication.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's mark and prays that application Serial No. 76/597,695 be denied.

This notice is being filed with the required filing fee of \$300.

Respectfully submitted,

September 6, 2005

COLLIER SHANNON SCOTT, PLLC

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